NOTIFICATION.

No. LA. 4-303|51. *1st September 1951.*

The following Bills together with the Statements of Objects and Reasons are published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238, Clause (11) of the Constitution of India).

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI AIYAR,
Secretary.

THE COCHIN PROCLAMATION, III OF 1123 (REPEALING) BILL, 1951.

Preamble.

Whereas it is deemed necessary to repeal the Cochin Proclamation III of 1123;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Cochin Proclamation, III of 1123 (Repealing) Act, 1951.

(2) It shall come into force at once.

Repeal.

2. The Cochin Proclamation III of 1123 and the Cochin Proclamation III of 1123 (Repealing) Ordinance, 1951 (Ordinance V of 1951 are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

To successfully tackle the food situation and to make an all out effort to grow more paddy which is the staple food of the inhabitants of this State the Paddy Land Utilisation Order 1951 was passed under the Essential Supplies (Temporary Powers) Act which prohibited either the utilisation of lands fit for paddy cultivation for any other purpose or any use which will tend to reduce the normal yield of paddy. In the Cochin area there was in force the Proclamation III of 1123 which prohibited the utilisation of paddy lands for any other purpose. It was deemed not necessary to continue that Proclamation when a paddy utilisation order applicable to the whole State of Travancore-Cochin was passed and the Cochin Proclamation was repealed by Ordinance V of 1951. This Bill is to replace the Ordinance by a regular Act of legislature.

A. J. JOHN.

THE CODE OF CIVIL PROCEDURE (TRAVANCORE-COCHIN AMENDMENT) BILL.

Preamble.

Whereas it is expedient to amend the Code of Civil Procedure 1908 (Central Act V of 1908) in its application to the State of Travancore-Cochin, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Travancore-Cochin Amendment) Act, 1951.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come inio force at once.

Amendment of Section 100, Act V of 1908.

2. In sub-section (1) of Section 100 of the Code of Civil Procedure, 1908 (Central Act V of 1908), after clause (c), the following new clause shall be added, namely:—

"(d) the finding of the lower appellate court on any question of fact material to the right decision of the case on the merits being in conflict with the finding of the Court of first instance on such question."

Repeal of Ordinance II of 1951.

3. The Code of Civil Procedure (Travancore-Cochin Amendment) Ordinance, 1951 (II of 1951) is hereby repealed.

Statement of Objects and Reasons.

With effect from the 1st April 1951 the Central Code of Civil Procedure was extended to this State and consequently the Codes in force here ceased to have effect. According to the Travancore and Cochin Codes of Civil Procedure a second appeal would lie to the High Court in cases of conflicting findings on questions of fact. The Central Code now in force does not contain a similar provision. In order to restore *status quo*, the Central Code in its application to this State was amended by the Code of Civil Procedure (Travancore-Cochin Amendment) Ordinance, II of 1951. This Bill is intended to replace the above Ordinance by an Act of the Legislature.

A. J. John.